

REMARKS

After entry of the foregoing amendment, claims 1-7, 8 and 9 are pending in the application.

Claim 7 has been canceled, in accordance with the Final restriction requirement.

The specification has been amended in the manners suggested by the Examiner.

The § 112, first paragraph, rejection of claim 8 is respectfully traversed. As conceded in the Action, the specification is enabling for certain types of objects. Nothing more is believed to be required. If the rejection is maintained, the Examiner is requested to cite relevant case law or MPEP provision supporting her contention.

The § 112 rejection of claims 8 and 9 have been addressed by amendment, casting the claims into more traditional form. (Product by process claims are expressly authorized by MPEP § 2173.05(p).)

Claims 1, 2, 6, 8 and 9 stand rejected as anticipated by Macy (6,707,926). Claims 1, 5 and 8 stand rejected as anticipated by Hayashi (20010055390). Claims 1, 3 and 8 stand rejected as anticipated by Rhoads (6,266,430). These rejections are respectfully traversed.

Independent claims 1 and 6 are phrased in “step for performing a function” fashion, under § 112, para. 6. The Action seems to have given no consideration to § 112, para. 6, nor followed the prescribed procedure for examining such claims. For example, no reference seems to have been made to the specification to determine the acts corresponding to the specified steps. (The Examiner’s attention is drawn to the Office’s *Examination Guidelines For Claims Reciting A Means or Step Plus Function Limitation In Accordance With 35 U.S.C. 112, 6th Paragraph*, 1162 O.G. 59 (May 17, 1994).)

Macy’s detection of vertical and/or horizontal bands is the not the same - nor equivalent - to the arrangements detailed in applicants’ specification. Accordingly, Macy does not anticipate.

Moreover, the independent claims have been amended to specify that the distortion includes rotation. Macy is said to be capable of determining shifting and scaling, but is not suited for determining rotation.

The Office has construed Hayashi so that the “attack” is rotation. However, properly construed, rotation is not an “attack” within the meaning of the claim. The attack concerns the *features* from which corruption (including rotation) can be determined.

Properly construed in accordance with § 112, para. 6, neither Macy, Mayashi, nor Rhoads anticipates the claimed arrangements.

Claim 4 is rejected as obvious over Hayashi in view of Jones (6,792,130). However, since the Office’s application of Hayashi is flawed, the obviousness rejection based thereon also fails.

Reconsideration is solicited.

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Respectfully submitted,

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